

## 505-2-.39 CERTIFICATION APPEAL

### Nature of Amendment(s):

Substantive  
 Clarification  
 Further Definition

### Discussion:

It is proposed that GaPSC Rule 505-2-.39 CERTIFICATION APPEAL, dated July 1, 2020, be AMENDED to clarify the requirements for appeal submission and consideration.

### Current/Amended Sections(s):

(Additions are underlined in bold type; deletions are marked through.)

**(1) Summary.** This rule creates a formalized system of tiered reviews that allows individuals to appeal certification decisions resulting **in a denial based on** ~~from~~ a staff analysis of application documentation. The decision at each tier is based solely on review of an individual's written appeal. There are two (2) tiers of appeal, which include:

- (a) Tier 1. A review by the Certification Appeals Committee with a written decision by the Chair of the Certification Appeals Committee of the Georgia Professional Standards Commission (GaPSC).
- (b) Tier 2. A review and written decision by the Executive Secretary of the Georgia Professional Standards Commission (GaPSC).

### **(2) Appeal Procedures.**

- (a) The individual must begin the appeal process at Tier 1 and a decision must be rendered before requesting a Tier 2 appeal. ~~Individuals may not appeal the same issue after a final written tier 2 decision is determined.~~
- (b) The appeal must be in writing, sent by U.S. Mail, FedEx, UPS or another mail carrier.
  1. Appeals will not be received by phone, email, or delivered in person.
- (c) The written appeal must be sent to the Georgia Professional Standards Commission, ATTN: Executive Secretary, and must contain the following information:
  1. Name (as listed in the individual's MyPSC account), certification identification number, mailing address, email address, and telephone number.
  2. The tier being requested (Tier 1 or Tier 2).
  3. A concise statement describing the nature of the appeal and why it should be granted.
  4. Supporting documentation that might constitute evidence that supports the appeal including transcripts, physician statements, etc.
- (d) The failure of an individual to request an appeal within sixty (60) calendar days **from the date the certification request is denied** is considered as a waiver of the right to appeal. Individuals are responsible for tracking the delivery of their appeal to the GaPSC.

1. Tier 1 appeals must be received by the Executive Secretary of the GaPSC within sixty (60) calendar days of the date of **certificate issuance or the GaPSC notification letter of denial** ~~or certificate issuance~~.
  2. Tier 2 appeals must be received by the Executive Secretary of the GaPSC within sixty (60) calendar days of the date of the GaPSC notification letter of denial of the Tier 1 appeal.
  3. Appeals must be received before the first day of the month in order to be reviewed during that month's meeting. If after initial review it is determined that additional information or documentation is needed, a subsequent review of the appeal will be completed during the next scheduled appeal meeting after the requested documentation is received.
  4. **Appeals may only be requested upon initial denial of a certification request as outlined above. Appeals submitted prior to initial denial will not be considered.**
    - i. **Educators may not resubmit a request for a transaction that was previously denied in order to meet the 60-day Tier 1 or Tier 2 appeal submission timeline.**
    - ii. **Tier 2 decisions are final. Individuals may not appeal the same issue after a final written Tier 2 decision is determined.**
- (e) When a Tier 1 or Tier 2 appeal is received, staff will send the appellant written verification of receipt by email and the scheduled date for review.
- (f) After a decision to grant or deny an appeal has been made, the appellant will receive correspondence posted to MyPSC detailing the decision.
- (g) The effective date of the certificate update based on an approved appeal will be the date the Certification Appeals Committee met and determined to honor the appeal request or the date the Executive Secretary reviewed and made a determination for the Tier 2 appeal.